

**REMARKS**

Claims 1-50 are pending, in which no claims are amended, canceled, withdrawn, or newly presented.

The final Office Action mailed August 18, 2004 rejected claims 1-3, 5, 7, 15-17, 22, 26-28, 30, 32, 39-41, and 46 under 35 U.S.C. § 102(b) as anticipated by *Nilakantan et al.* (U.S. 5,541,911), claims 4, 21, 29, and 45 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Kloth* (U.S. 6,598,034), claims 6, 8-14, 18, 23-25, 31, 33-38, 42, and 47-50 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Gai et al.* (U.S. 6,167,445), claims 19 and 43 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Gibson et al.* (U.S. 6,680,943), and claims 20 and 44 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Jorgensen* (U.S. 6,452,915).

The rejection of claims 1-50 is respectfully traversed because the references at least do not disclose “**passes all other received messages to an other processor**” or “**for messages that are not identified, routing** packets by reference to a forwarding table in the programmable access device and **outputting** the routed packets at a second network interface of the programmable access device” or “passes the identified messages to the external processor via the message interface and passes all other messages received from the second network interface to the marker.”

Independent claim 1 recites “said packet header filter **identifies messages received** at one of the first and second network interfaces **on which policy-based services are to be implemented** and passes identified messages via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**, wherein said packet header filter **passes all other received**

**messages to an other processor.”** Independent claim 26 recites “**filtering** the series of packets at the programmable access device **to identify messages upon which policy-based services are to be implemented**; passing identified messages to an **external processor included in the network access system for implementation of the policy-based services by the external processor** and for **messages that are not identified, routing packets by reference to a forwarding table** in the programmable access device and outputting the routed packets at a second network interface of the programmable access device.” Independent claim 50 recites “the second packet header filter passes the identified messages to the external processor via the message interface and **passes all other messages received from the second network interface to the marker,**” “**a policer,**” and “**a marker.**”

Regarding claim 1, as best understood, the Office Action (pp. 2-3) equates the recited “one of the first and second network interfaces” with the remote network interface of *Nilakantan et al.*, the recited “external processor” with the central router of *Nilakantan et al.*, the recited “forwarding table” with the MIB (col. 6: 7-9), and the recited “an other processor” with “the local processor on the remote interface” (Office Action, p. 3: 7), which is an apparent assumption by the Office Action. In the “Response to Arguments” section, regarding *Nilakantan et al.*, the Office Action (p. 10) contends, “as seen in Column 2, lines 44-47; Column 6, lines 37-48; and Column 7, lines 41-54, the smart filtering agent forwards packets to the central processor that were identified to go to the central processor of routing or policy service or alternately the Smart Filtering Agent can decide that the packet does not need to be forwarded onto the central processing router and handles it locally by its own local processor.”

However, at col. 5: 6-14, *Nilakantan et al.* states, “the Smart Filter manager may detect certain network management packets which are generated by servers 20 on the LAN 19, which need not be forwarded to the central node every time they are generated. In response to this

learned characteristic of the remote network, a traffic management message is sent to the leaf node 11 where the Smart Filter agent 29 implements a filter to **prevent forwarding of such packets** across the link 22.” Thus, if the Smart Filtering Agent decides that the certain network management packets do not need to be forwarded, as the Office Action conjectures, *Nilakantan et al.* would simply **discard** the packet, and would **not** pass it to “an other processor.” More particularly, *Nilakantan et al.* does **not** meet the recited “said packet header filter **passes all other received messages through the packet header filter to an other processor.**” The phantom local processor cannot be the claimed “other processor” as the local processor would not “pass” anything to itself; this construction has no technical merit.

Further, *Nilakantan et al.* does not meet the recited “wherein said packet header filter **identifies messages** received at one of the first and second network interfaces **on which policy-based services are to be implemented** and **passes identified messages** via a message interface **to an external processor** included in said network access system **for implementation of the policy-based services by the external processor.**” The Office Action does not identify what “policy-based services” of *Nilakantan et al.* meet the requirements of claim 1. The cited portions of *Nilakantan et al.* merely refer to the leaf node 91 forwarding packets that are addressed to the interface on the central node for the leaf network across the WAN link 90 to the central node for routing. (col. 6: 39-43) As discussed previously, the filter at the leaf node identifies certain network management packets that need not be forwarded to the central node every time they are generated, and **discards** such messages. At best, the filter identifies packets that need to be forwarded, and packets that do not need to be forwarded, and either forwards them or discards them. The filter does not specifically identify packets as packets on which “policy-based services” are to be implemented, forward those packets to the central node, and pass all other packets to a “local processor” for processing, as contended by the Office

Action. Instead, the filter responds to information in a MIB (col. 6: 7-9; col. 11: 49-55; col. 16: 20-22; col. 43: 25-27) to determine whether certain received packets should be forwarded to the central node, or discarded, “so that only necessary packets are forwarded to the central site.” (col. 2: 27-30) The filter receives its instructions on how to filter packets from the central node by the Smart Filter Management.

Regarding claim 26, which recites “**for messages that are not identified, routing packets by reference to a forwarding table in the programmable access device and outputting the routed packets at a second network interface of the programmable access device,**” as discussed previously, *Nilakantan et al.* discards packets that are not to be forwarded to the central site, and thus *Nilakantan et al.* does not output the routed packets at a second network interface, for “messages that are not identified.”

To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). Thus, the anticipation rejection should be withdrawn.

The rejection of dependent claims 2-3, 5, 7, 15-17, 22, 27-28, 30, 32, 39-41, and 46 should be withdrawn for at least the same reasons as their respective independent claims, and these claims are separately patentable on their own merits.

Regarding the obviousness rejection of independent claim 50, the recited features are not suggested or disclosed by any reasonable combination of *Nilakantan et al.* and *Gai et al.*, and the Office Action fails to explain how the recited features are suggested or disclosed by these references. For example, the Office Action (p. 6) states, “*Nilakantan* does not explicitly indicate that **the policer comprises a marker** that marks packets that do not conform with the traffic

parameters. Gai teaches a method of identifying packets which do not conform with the traffic parameters and a way to mark those packets (Column 20, lines 2-9; Column 4, Line 64 - Column 5, line 8) and discarding those packets (Column 20, lines 2-9).” Applicants respectfully point out that the Office Action does not track the recited language of claim 50, for example, with regard to the “policer” and the “marker,” for which claim 50 recites, “a policer configured to discard packets determined as nonconforming to a first traffic parameter,” “a marker configured to discard packets determined as nonconforming to a second traffic parameter” and “the second packet header filter passes the identified messages to the external processor and **passes all other messages received from the second network interface to the marker,**” and the Office Action does not explain how these features are met by the references. For reasons similar to those discussed previously, Applicants respectfully submit that these features are not suggested or disclosed by *Nilakantan et al.* individually, and the addition of *Gai et al.* does not fill in the gaps. Therefore, the rejection of claim 50 should be withdrawn.

Further, with regard to the obviousness rejections of the dependent claims, Applicants respectfully submit that the deficiencies of *Nilakantan et al.* are not cured by the secondary references of *Kloth*, *Gai et al.*, *Gibson et al.*, and *Jorgensen*. *Kloth* is cited as teaching “a system involving packet filter [sic] and policies that includes [sic] analyzing protocol layers higher than layer 3” and that “RSVP can be used and identified in an edge router.” (Office Action, pp. 4-5) *Gai et al.* is cited for a supposed teaching of a way to identify and mark packets that do not conform with traffic parameters, as teaching issuing thresholds for priority queuing and traffic classes, a plurality of output buffers, a scheduler, the use of user priority, and a reporting interface. *Gibson et al.* is cited as teaching the use of Session Initiation Protocol (SIP) messages, and *Jorgensen* is cited as teaching identifying Internet Group Multicast Protocol messages.

Thus, Applicants respectfully request withdrawal of the rejection with respect to dependent claims 4, 6, 8-14, 18-21, 23-25, 29, 31, 33-38, 42-45, and 47-49.

Therefore, the present application overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-6499 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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